

# Calendar No. 1903

82D CONGRESS  
2d Session

SENATE

REPORT  
No. 1959

## MARTHA BRIDGES

JUNE 27, 1952.—Ordered to be printed

Mr. McCARRAN, from the Committee on the Judiciary, submitted the following

## REPORT

[To accompany H. R. 6850]

The Committee on the Judiciary, to which was referred the bill (H. R. 6850) for the relief of Martha Bridges, having considered the same, reports favorably thereon, without amendment, and recommends that the bill do pass.

### PURPOSE

The purpose of the proposed legislation is to pay the sum of \$5,000 to Martha Bridges, of Hamlet, N. C., in full settlement of her claims against the United States for the death and expenses incident thereto of her son John Everett Bridges, who was shot by Sgt. Jack Cook on or about February 14, 1944, in the Quick Lunch Cafe in Hamlet, N. C.

### STATEMENT

On February 1, 1944, Sgt. Jack C. Cook and Pvt. Frank H. Adair, members of the Five Hundred and Fifteenth Parachute Infantry, then stationed at Camp Mackall, N. C., received written military orders directing them to proceed to Fort Benning, Ga., for the purpose of returning a military prisoner to Camp Mackall. Thereafter and on the same day Sergeant Cook and Private Adair departed from Camp Mackall on said mission. Sergeant Cook was authorized to and did take with him on the trip a service rifle with eight rounds of ammunition. After traveling a distance of 18 miles they stopped at Hamlet, N. C. At about 10 p. m. on the date in question Sergeant Cook entered the Quick Lunch Cafe in Hamlet with his rifle in his hand and sat down at the counter and ordered a sandwich, holding the rifle in his lap. He then directed John Everett Bridges, a 10-year-old shoe-

shine boy, to shine his shoes. While the boy was shining Sergeant Cook's shoes the latter's rifle was accidentally discharged and the bullet penetrated the boy's chest between the second and third ribs on the left side, killing him instantly. It appears that Sergeant Cook had been doing office work in the Army and was not familiar with the operation of the rifle that he was carrying. Sergeant Cook was taken into custody by the sheriff of Richmond County, N. C.

A coroner's inquest into the cause of the death of this boy was held in Hamlet, Richmond County, on February 3, 1944. After hearing all of the available evidence the coroner's jury rendered the following verdict, which was duly signed by each juror and attested by the coroner:

Be it remembered, that on this, the 3d day of February 1944, I, W. W. King, coroner of the county of Richmond, attended by a jury of good and lawful men, viz, J. T. Smith, C. H. Atkinson, Dock Crawley, J. P. Singletary, Rex Howell, and V. P. Nettles, by me summoned for that purpose according to law, after being by me duly sworn and impaneled, at Hamlet, N. C., in the county aforesaid, did hold an inquest over the dead body of John Everett Bridges, and after an examination into the facts and circumstances of the death of the deceased, from a view of the corpse, and all the testimony to be procured, the said jury finds as follows, that is to say, that the deceased came to his death from gunshot wound in the hands of Sgt. Jack Cook. From the evidence it appeared to the jury that Jack Cook was not familiar with the type of gun issued to him by his superiors and that ignorance of the operation of the gun resulted in the death of John Everett Bridges and therefore was accidental.

The judge advocate, Fort Bragg, N. C., who made an investigation of the death of John Everett Bridges, submitted a report in which he expressed the opinion that the death of this boy was caused solely by the negligent handling of a rifle by Sergeant Cook while on official business for the Army.

The Department of the Army, in its report, states:

Inasmuch as the evidence in this case fairly establishes that the death of John Everett Bridges was caused solely by the negligence of an enlisted man of the Army in the handling of his rifle while on an official mission, the Department of the Army is of the view that the decedent's mother should be compensated in a reasonable amount on account of her son's death. The proposed award of \$5,000 provided in H. R. 6850 is fair and reasonable, and the Department, accordingly, has no objection to the enactment of the bill.

The Army states further:

Mrs. Bridges has no remedy under the Federal Tort Claims Act (60 Stat. 843; 28 U. S. C. 931), as revised and codified by the act of June 25, 1948 (62 Stat. 933; 28 U. S. C. 1346 (b)), and as amended by the act of April 25, 1949 (63 Stat. 62), for the reason that the accident which resulted in the death of her son occurred prior to January 1, 1945, the effective date of said statute. There is no other statute available to the Department of the Army under which any amount may be paid to the claimant on account of the death of her son, and the only method by which she may be compensated for his death is through the enactment by the Congress of a private relief bill such as H. R. 6850.

Attached hereto and made a part of this report is the above referred to letter of the Department of the Army. Other material bearing on the facts in this case is contained in House Report No. 1865, Eighty-second Congress, second session, and need not be reprinted here.

DEPARTMENT OF THE ARMY,  
Washington 25, D. C., April 22, 1952.

Hon. EMANUEL CELLER,  
*Chairman, Committee on the Judiciary,*  
*House of Representatives.*

DEAR MR. CELLER: The Department of the Army would have no objection to the enactment of H. R. 6850, Eighty-second Congress, a bill for the relief of Martha Bridges, if it should be amended as hereinafter recommended.

This bill provides as follows:

"That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, the sum of \$5,000 to Martha Bridges, of Hamlet, North Carolina, in full settlement of all claims of said Martha Bridges for the death and expenses incident thereto of her son John Everett Bridges, who was shot by Sergeant Jack Cooke on or about February 14, 1944, in the Quick Lunch Cafe in Hamlet, North Carolina."

On February 1, 1944, Sgt. Jack C. Cook and Pvt. Frank H. Adair, members of the Five Hundred and Fifteenth Parachute Infantry, then stationed at Camp Mackall, N. C., received written military orders directing them to proceed to Fort Benning, Ga., for the purpose of returning a military prisoner to Camp Mackall. Thereafter and on the same day Sergeant Cook and Private Adair departed from Camp Mackall on said mission. Sergeant Cook was authorized to and did take with him on the trip a service rifle with eight rounds of ammunition. After traveling a distance of 18 miles they stopped at Hamlet, N. C. At about 10 p. m. on the date in question Sergeant Cook entered the Quick Lunch Cafe in Hamlet with his rifle in his hand and sat down at the counter and ordered a sandwich, holding the rifle in his lap. He then directed John Everett Bridges, a 10-year-old shoeshine boy, to shine his shoes. While the boy was shining Sergeant Cook's shoes the latter's rifle was accidentally discharged and the bullet penetrated the boy's chest between the second and third ribs on the left side, killing him instantly. It appears that Sergeant Cook has been doing office work in the Army and was not familiar with the operation of the rifle that he was carrying. Sergeant Cook was taken into custody by the sheriff of Richmond County, N. C.

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The judge advocate, Fort Bragg, N. C., who made an investigation of the death of John Everett Bridges, submitted a report in which he expressed the opinion that the death of this boy was caused solely by the negligent handling of a rifle by Sergeant Cook while on official business for the Army.

The evidence of record in the Department of the Army shows that John Everett Bridges was the son of Martha Bridges and her husband, Willie Bridges; that Martha and Willie Bridges were separated when said boy was about 1 year of age; and that the boy continued to reside with and was cared for by his mother until the time of his death. H. B. Long, clerk-treasurer of the town of Hamlet, N. C., in a letter to the Department of the Army, dated June 20, 1950, advised that Martha Bridges had obtained an absolute divorce from Willie Bridges.

Mrs. Bridges incurred expenses in the amount of \$285 in connection with the burial of her son, as shown by a funeral bill submitted by the McEachern Funeral Home, Hamlet, N. C.

Inasmuch as the evidence in this case fairly establishes that the death of John Everett Bridges was caused solely by the negligence of an enlisted man of the Army in the handling of his rifle while on an official mission, the Department of the Army is of the view that the decedent's mother should be compensated in a reasonable amount on account of her son's death. The proposed award of \$5,000 provided in H. R. 6850 is fair and reasonable, and the Department, accordingly, has no objection to the enactment of the bill.

For the purpose of accuracy it is recommended that, if this bill is favorably considered by the Congress, the clause "who was shot by Sergeant Jack Cooke on or about February 14, 1944," be stricken out and that there be inserted in lieu thereof the following: "who was accidentally shot and killed by an enlisted man of the Army of the United States on February 1, 1944."

(Mrs. Bridges has no remedy under the Federal Tort Claims Act (60 Stat. 843; 28 U. S. C. 931), as revised and codified by the act of June 25, 1948 (62 Stat. 933; 28 U. S. C. 1346 (b)), and as amended by the act of April 25, 1949 (63 Stat. 62), for the reason that the accident which resulted in the death of her son occurred prior to January 1, 1945, the effective date of said statute. There is no other statute available to the Department of the Army under which any amount may be paid to the claimant on account of the death of her son, and the only method by which she may be compensated for his death is through the enactment by the Congress of a private relief bill such as H. R. 6850.

The Bureau of the Budget advises that there is no objection to the submission of this report.

Sincerely yours,

FRANK PACE, Jr.,  
Secretary of the Army.

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